

Serial No.: 09/899,816
Docket No.: NEC-F108/USA
IDE.005

REMARKS

Claims 1-11 are all the claims presently pending in the application. Claims 1, 3 and 7-11 have been amended to more clearly define the invention.

It is noted that the claim amendments herein or later are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein or later should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

With respect to the prior art rejections, claims 1-11 stand rejected under 35 U.S.C. §102(a) as being anticipated by Siemens (Tdoc N4-000476). Claims 1-11 stand rejected under 35 U.S.C. §102(a) as being anticipated by NEC (T-doc N4-000626). These rejections are respectfully traversed in the following discussion.

Applicant notes that the Siemens reference indicates a date of July 16, 2000 and that the NEC reference indicates a date of August 28, 2000.

Applicant respectfully submits that the rejections based on the cited references are overcome by the concurrently filed Declaration Under 37 C.F.R. § 1.131 showing that the present invention was reduced to practice in a NAFTA or WTO Member Country (i.e. Japan) before July 16, 2000. In the alternative, the Declaration asserts a conception of the invention prior to July 16, 2000, and due diligence from before July 16, 2000 to the filing date of the Japanese application (e.g., December 14, 2000), upon with the present application claims priority.

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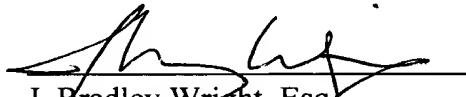
In view of the foregoing, Applicant submits that claims 1-11, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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